

Exhibit 22

Page 1

1

2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK

4

-----X
5 MARVEL CHARACTERS, INC.,

6

7 Plaintiff and Counterclaim-Defendant,

8

9 -against- Case No.:
10 1:21-cv-7955-LAK
11 and consolidated
12 cases, Nos.:
13 21-cv-7957 LAK and
14 21-cv-7959 LAK

15

16 LAWRENCE D. LIEBER,
17 Defendant and Counterclaimant.

18

19 -----X
20 MARVEL CHARACTERS, INC.,
21 Plaintiff and Counterclaim-Defendant,
22 -against-
23 KEITH A. DETTWILER, in his capacity as
24 Executor of the Estate of Donald L. Heck,
25 Defendant and Counterclaimant.

16

17 -----X
18 MARVEL CHARACTERS, INC.,
19 Plaintiff and Counterclaim-Defendant,
20 -against-
21 PATRICK S. DITKO, in his capacity as
22 Administrator of the Estate of Stephen J.
23 Ditko,
24 Defendant and Counterclaimant.

25

26 -----X
27 DATE: October 25, 2022
28 TIME: 9:41 A.M.

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30 (Caption continues on following page.)

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Page 2

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REALTIME VIDEOTAPED DEPOSITION

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of the Defendant, LARRY LIEBER, taken by
the Plaintiff and Counterclaim-Defendant,
pursuant to a Court Order and to the
Federal Rules of Civil Procedure, held at
the offices of O'Melveny & Myers, LLP, 7
Times Square, Times Square Tower, New York,
New York 10036, before Karyn Chiusano, a
Notary Public of the State of New York.

Page 3

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2 A P P E A R A N C E S:

3

4 O'MELVENY & MYERS, LLP
5 Attorneys for the Plaintiff and
Counterclaim-Defendant
MARVEL CHARACTERS, INC.
6 7 Times Square
Times Square Tower
7 New York, New York 10036
BY: DANIEL PETROCELLI, ESQ.
8 dpetrocelli@omm.com
9

10

11 TOBEROFF & ASSOCIATES, P.C.
12 Attorneys for the Defendant
and Counterclaimant
LAWRENCE D. LIEBER
13 23823 Malibu Road ~ Suite 50-363
Malibu, California 90265
BY: MARC TOBEROFF, ESQ.
14 mtoberoff@toberoffandassociates.com
15

16

17 ALSO PRESENT:
18 MARCELO RIVERA, Videographer
MOLLY LENS, O'Melveny & Myers, LLP
DANIELLE FEUER, O'Melveny & Myers, LLP
ELI BARD, via Zoom
JAYMIE PARKKINEN, via Zoom
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22 * * *
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1 LARRY LIEBER

2 There was something --

3 MR. TOBEROFF: He's talking
4 about between 1958 and 1965.

5 A. No.

6 I mean for the -- for the --
7 for the -- for the scripts? No. I don't
8 think so. No.

9 Q. Okay. So, for example --

10 A. I was thinking of bonuses but
11 that was for people on staff.

12 Q. Okay. So, your sole
13 compensation was the per-page rate?

14 A. As far as I know, yes.

15 Q. Okay.

16 A. That's all.

17 Q. And you got that per-page rate
18 whether or not the comic was a flop or was
19 a big hit; right?

20 You still got the same per-page
21 rate?

22 MR. TOBEROFF: Vague.

23 A. Yeah.

24 As -- as long as they accepted
25 my --

1 LARRY LIEBER

2 Q. Okay.

3 A. -- as long as they accepted my
4 work, they paid me for it.

5 Q. And you said Stan always
6 accepted your work; correct?

7 MR. TOBEROFF: Misstates his
8 testimony.

9 Q. You can answer.

10 A. Yes.

11 Wait a minute. As far as I
12 know, yes. Stan always -- I can't recall
13 him not.

14 Q. Have you made any attempt to
15 get a copy of those checks from 1958 to
16 1965?

17 A. No.

18 I don't even -- no.

19 Q. Let me ask you about some of
20 the characters.

21 You worked on "IRON MAN";
22 right?

23 A. Yes.

24 Q. You wrote the script; right?

25 A. Yes.

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1 LARRY LIEBER

2 record.

3 (Whereupon, a short recess was
4 taken.)

5 THE VIDEOGRAPHER: The time is
6 4:11 P.M.

7 And we are back on the record.

8 EXAMINATION BY

9 MR. TOBEROFF:

10 Q. During the time you were
11 selling your stories to Marvel, or whatever
12 it was called in those days, did you ever
13 hear the company named Vista Publications,
14 Inc.?

15 MR. PETROCELLI: Objection.

16 Question is leading.

17 Particularly the use of the
18 word "sell."

19 And I otherwise object to the
20 form of the question.

21 Q. During the time --

22 A. Yeah. I can -- I can answer.

23 Q. Did you ever hear a company,
24 called Vista Publications, Inc.?

25 A. I don't recall ever hearing

1 LARRY LIEBER

2 that, no.

3 Q. Do you know whether Vista had
4 any employees?

5 A. I never heard of them so I
6 don't know if they had employees.

7 Q. During the same period that we
8 discussed, in the late 50's into the
9 1960's, did you ever hear a company
10 mentioned: Canum Publishers Sales
11 Corporation?

12 A. No. I didn't.

13 MR. TOBEROFF: By the way, when
14 I am asking questions, are you able
15 to see his face on the video?

16 THE VIDEOGRAPHER: I am just
17 getting a side view.

18 THE WITNESS: Should I look at
19 you?

20 THE VIDEOGRAPHER: Yeah.

21 THE WITNESS: My hearing.

22 THE VIDEOGRAPHER: It's okay.

23 MR. TOBEROFF: It's okay.

24 THE WITNESS: My hearing is --

25 Q. You -- you -- you -- um, um,

1 LARRY LIEBER

2 um, um, you mentioned previously a company,
3 called Atlas.

4 Do you recall that?

5 A. Yes.

6 If -- there -- I think there
7 were two Atlas'; one was Marvel was once
8 called it but the one we were referring to
9 was the one that Martin Goodman started.

10 It was part of Seaboard
11 Publications and at -- Atlas Comics was
12 part of it, when Martin Goodman, after he
13 sold Marvel and he left it to start his own
14 company.

15 Yes. Atlas, yes.

16 Q. And before that time, in the
17 late 1950's or the 1960's, did you hear of
18 a company, called Atlas Magazine, Inc.?

19 A. I did not. No.

20 Q. Same period of time, late
21 1950's and 1960's: Did you ever hear of a
22 company, called Non Perai Publishing
23 Corporation?

24 A. No.

25 Q. You testified today that Stan

1 LARRY LIEBER

2 Lee would write plots or sometimes you
3 would call it a "synopsis."

4 Do you recall that?

5 A. Yes.

6 MR. PETROCELLI: I object to
7 the question.

8 It misstates his testimony, the
9 use of the word "sometimes."

10 Q. And to your knowledge, did Sam
11 -- Stan Lee sometimes write scripts?

12 A. Yes.

13 Q. Was this writing a function of
14 Stan Lee's staff job as an Editor or Stan
15 Lee as a writer?

16 MR. PETROCELLI: Object to the
17 form of the question, including that
18 it's vague and it lacks foundation.

19 And it's also leading.

20 Q. You can answer.

21 A. Answer?

22 Q. Yes.

23 A. I -- I -- I would say Stan,
24 when he was making up a story, was doing
25 the work that a writer does, not what an

1 LARRY LIEBER

2 Editor does, even though he was an Editor,
3 his title.

4 Q. Okay.

5 A. That's part of writing, the
6 plot or a story.

7 Q. And -- and to your knowledge,
8 did Stan Lee do his writing at the office
9 or at home, his home?

10 A. At home.

11 I would -- to my knowledge, at
12 home.

13 Q. And did Stan Lee, during the
14 week, did Stan Lee take off time to write
15 at home?

16 MR. PETROCELLI: I object to
17 the form, including lack of
18 foundation.

19 A. Yes, he did.

20 I think he used to take off
21 Wednesday. I remember -- I remember -- may
22 I say --

23 Q. You can answer it, yes.

24 A. The secretary or the
25 receptionist, when he would leave, it used

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LARRY LIEBER

2

to make him a little upset because she
would say: "Enjoy your day off, Mr. Lee."
And he would say to me, you know, when I
would see him, he would say: "My day off?
I'm going them work. I don't have a day
off."

8

Q. And what --

9

10

A. And I believe it was Wednesday
but I am not -- you know.

11

Q. And what work was that?

12

A. Writing.

13

Q. And what about the weekends?

14

15

MR. PETROCELLI: I object to
the form.

16

17

18

A. I -- I wasn't aware of him --
we weren't -- I wasn't out there but I know
he often wrote on weekends, yes.

19

20

21

Q. Were there any instances you
recall where he told you where -- how much
he was writing on the weekend?

22

A. Yes.

23

24

25

He told me once -- he said "oh,
what a weekend I had." He said "I wrote 50
pages" and I said "oh, my God. You poor

1 LARRY LIEBER

2 Q. Did you receive any vacation
3 pay or were you paid for time off?

4 A. No.

5 Q. You testified that the company
6 paid you for your stories by the page; is
7 that correct?

8 A. Yes.

9 Q. Okay. In your view, were they
10 obligated to pay you for the pages you
11 submitted?

12 MR. PETROCELLI: Object to the
13 form.

14 A. In my view, I felt they were
15 not, unless they bought them from me or,
16 you know, accepted them.

17 Q. Was there ever a time where --

18 MR. PETROCELLI: Move to strike
19 that answer, the second part of that
20 answer, with respect to the words
21 "bought them."

22 Not responsive and no
23 foundation.

24 Q. It was your -- you mention
25 "bought," was it your view that they

1 LARRY LIEBER

2 leading.

3 Q. All right. The after you wrote
4 your story, what would happen?

5 A. I would -- I would go to Marvel
6 and turn it in to -- to the Editor or to --
7 who I don't remember, to his secretary or
8 maybe even -- there were a few people, it
9 might have been Sol Brodsky or somebody
10 else, Paul Stymler or Stan, himself.

11 I mean I would just turn it in
12 to the company.

13 Q. If they published your story,
14 would you be paid for it?

15 A. Yes.

16 Q. By the page?

17 A. Yes.

18 Q. Okay. Before they paid you by
19 the page, did Marvel own the story or did
20 you own the story, in your opinion?

21 MR. PETROCELLI: Object -- I
22 object to the form of the question.

23 A. Well, before they -- before
24 they paid me for it, they didn't have it, I
25 had it. It's mine. I wrote it. I owned

1 LARRY LIEBER

2 it, I guess. I owned it.

3 MR. PETROCELLI: Move to
4 strike, as non-responsive.

5 Q. Did it ever -- did there ever
6 come a time where Marvel, or whatever they
7 called themselves in those days, reject
8 your material?

9 MR. PETROCELLI: Object to the
10 form of the question.

11 A. Yes.

12 It -- it happened, um, at least
13 once. It might have been more but I
14 remember one.

15 Q. Can you describe that to me,
16 please?

17 A. Yes.

18 I was doing -- I wasn't doing
19 the superheroes and Marvel was putting out
20 what we called black and white books, like
21 Warren Publications did, that there were
22 zombies, werewolves and vampires.

23 And we got an Editor there and
24 this wasn't Stan. Stan was now the
25 publisher. And this Editor was very good

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LARRY LIEBER

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at plots; okay? And he said "before you
write your story, I want to see the plot."

4

He wanted me to write the plot;
okay? And make up a plot and bring it to me
and, you know, and -- and if he liked it,
he would buy it -- not even buy it, he
would tell me because he was -- he wasn't
going to pay for the plot but he would tell
me to go back home and write the story;
okay?

11

And as I said before, I was
kind of pressed for money in those days and
so, I wrote a plot, I brought it in and he
was critical of it. He rejected it and he
told me -- he gave me another direction to
go into with the story -- with the plot and
so I went back home and I had to take
another day off, to make up this new plot
or change the plot, whatever you phrased
it, and I went back to him and this time,
he accepted it and he said: Now, go write
the story (indicating.)

24

And, I was never paid for the
time or the plot, the first plot that I

1 LARRY LIEBER

2 brought in to him.

3 He -- he didn't pay -- you
4 know, I lost out and I worried because I
5 didn't know the Editor that well and I was
6 concerned with -- that I hoped it didn't
7 happen. That it didn't happen again.

8 And I don't recall. It might
9 have happened again. He might have even
10 rejected it a second time, I am not sure.

11 Q. All right.

12 A. But I know at least once he
13 rejected it.

14 Q. Why were you concerned?

15 A. I was concerned because I had
16 to make a living and I was barely doing so
17 and -- to work, you know, to write takes
18 time and I had to pay the rent.

19 Q. So, to be clear: He didn't pay
20 you for the work he rejected?

21 A. No, he did not.

22 MR. PETROCELLI: Objection;
23 leading.

24 Q. Now, you spoke about -- at some
25 point in your -- Mr. Petrocelli was asking

1 LARRY LIEBER

2 you questions and you talked about the
3 checks that you received, when they paid
4 you by the page.

5 Do you recall that?

6 A. Yes. I think.

7 Q. You testified about checks?

8 A. Yeah. Yeah. I got paid by
9 check.

10 Q. And you spoke about writing on
11 the back of checks.

12 Do you recall that?

13 A. Yes.

14 Q. To the best of your
15 recollection, what was the jist of the
16 writing on the back of those checks?

17 A. The jist of it, to me, was once
18 I give it to them, it is no longer -- my
19 work is no longer mine, it belongs to them
20 and they can do anything they want with it.

21 But it was said in some
22 technical language, I guess, or language.

23 Q. And when you said once you give
24 it to them, you mean once --

25 A. Once I give them my work.

1 LARRY LIEBER

2 Q. And they pay you for it?

3 A. And they pay me for it.

4 MR. PETROCELLI: Objection;

5 leading.

6 A. That's the only thing I could
7 mean. Once they paid me for it, it's like
8 they bought it. They bought my work.

9 Q. Okay. Do you recall on the back
10 of the checks, in those days, reading the
11 term "work for hire" or "work made for
12 hire"?

13 A. No.

14 That -- well, I don't remember
15 a great deal. I think if I had seen that,
16 I would have -- it would have been familiar
17 to me at the last deposition or sometime in
18 between.

19 No, I never saw it.

20 If -- a totally unknown.

21 Q. And the 1950's and -- the late
22 1950's and the 1960's, the period where we
23 were speaking about, when you worked on the
24 superheroes comics stories, did you ever
25 hear of the term "work for hire" or "work

1 LARRY LIEBER

2 these planets and now it's earth's turn,
3 you know, and we know they are going to
4 menace earth.

5 And in the next panel, I can
6 show people on the ground and somebody
7 pointing up and then, they land and
8 everybody runs.

9 There are different ways of
10 telling a story.

11 Q. I understand.

12 A. And so, so -- that's what
13 writing it was.

14 And I don't know. I'm sorry.

15 Q. No. No. That's fine.

16 A. But that's --

17 Q. And you did this writing from
18 where?

19 A. My home.

20 I had a -- I had a typewriter,
21 a Remington office writer, bought in the
22 used typewriter place.

23 Q. Did you pay for the typewriter?

24 A. Oh, yeah.

25 Q. Did you pay for your own paper?

1 LARRY LIEBER

2 A. Sure.

3 Q. You wrote with pens or drew
4 with pencils.

5 Did you pay for --

6 A. When I was --

7 Q. Wait -- did you pay for the
8 pens and pencils?

9 A. I paid for everything.

10 Q. I am talking about the late
11 50's and 60's, when you were working on the
12 superheroes.

13 A. When I was writing them, you
14 mean.

15 Q. Yeah.

16 A. Sure. Yeah.

17 I considered -- I mean I'm a
18 freelancer. I'm a -- yeah. I didn't expect
19 the company to pay for it, no.

20 MR. PETROCELLI: Move to strike
21 as non-responsive.

22 Q. I may have asked you this
23 before: Was the company obligated to buy
24 your stories?

25 MR. PETROCELLI: Object to the

1 LARRY LIEBER

2 form of the question.

3 A. I -- I didn't think they were.

4 Q. Did you have any agreement with
5 the company during the period you worked on
6 these superheroes in the late 50's and
7 60's?

8 A. Any agreement? No. No.

9 Q. No written agreement?

10 MR. PETROCELLI: Objection to
11 the form of the question.

12 A. No. No. No written agreement.

13 Q. Now, you mentioned that Stan
14 Lee would hand you a plot.

15 A. I called it a plot. Yeah, he
16 called it, I think a plot, too. Yes.

17 Q. And did you witness Stan
18 writing any plots?

19 A. No.

20 Not that I'm aware of. I might
21 have but I have long since forgotten.

22 No. I would say no.

23 Q. Can you recall a time that you
24 saw him writing a plot?

25 A. No.

1 LARRY LIEBER

2 Q. Yes.

3 You went over all of that.

4 A. And Stan offered me the -- the
5 -- to -- a chance to do -- to freelance, to
6 write stories and so, I took it and I --
7 and I did it.

8 Q. And -- and Stan, you understood
9 was working for Marvel; right?

10 A. Did -- did --

11 MR. TOBEROFF: Objection;
12 vague.

13 Q. You may answer.

14 A. Yes, of course.

15 Q. And do you remember the name of
16 the company that issued the checks to you?

17 A. I thought it was Marvel. I
18 don't know. I assumed it was Marvel or
19 Magazine Management or something I mean --

20 Q. Magazine Management was the
21 umbrella company?

22 A. It was a parent company, I
23 thought.

24 Q. A parent company?

25 A. Yeah.